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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,672	08/07/2001	Piotr Cofa	017.40111X00	9963

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/922,672

**Applicant(s)**

COFTA ET AL.

**Examiner**

Viet Vu

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4.6</u> . | 6) <input type="checkbox"/> Other: _____  |

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**Non-Art Rejections:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11, 53 and 95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following language lacks of proper antecedent basis:

In claim 11, line 2, "the mobile terminal".

In claim 53, line 2, "the mobile terminal".

In claim 95, line 2, "the program". Claim 95 appears to erroneously refer to claim 9.

**Art Rejections:**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-40, 43-83 and 86-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renaud et al, U.S. pat. No. 5,958,051.

Per claims 1-4, Renaud discloses a system and method for enabling secured data transmission between network and a data terminal comprising:

- a) initiating a terminal session with a browser by making a transmission to a server via a network (see col 14, lines 5-22),
- b) the server, in response to the terminal transmission request, provides information, e.g., site certificate, to the browser (col 14, lines 23-39),
- c) determining and displaying a level of trust based upon a standard comparison of one or more communication attributes for the transmission request to enable the user to make

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informed decision whether to permit such data transmission from the server to the browser (see col 10, lines 5-51 and col 12, line 40 - col 13, line 45).

Renaud does not explicitly teach using specific communication link for specific data terminal, e.g., a mobile terminal. An official notice is taken that the use of any conventional communication link including wireless networks for enabling Internet data access is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to practice Renaud's invention with any known communication links and terminals including wireless network and mobile terminals because it would have enabled providing services to any types of users including mobile users (see col 5, lines 31-45).

Per claims 5-17, Renaud teaches that the security checking steps can be performed at the source/server or at the client/terminal (see col 9, lines 61-64).

Per claims 18-23, Renaud also teaches that the security checking steps include checking additional attributes to verify the reliability of a server offering the service (see col 12, lines 53-65).

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Per claims 24, it is noted that Renaud's security checking dose not depend on particular communication protocols used in processing the communication operation, i.e., any communication link can be used (see col 5, lines 31-45).

It is further noted that Renaud's teachings encompass limitations of claims 25-40.

Claims 43-83 and 86-95 are similar in scope as that of claims 1-40.

6. Claims 41-42 and 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renaud et al, U.S. pat. No. 5,958,051 in view of Sullivan, U.S. pat. No. 5,953,528.

Renaud's teachings are still applied as discussed above. Renaud does not teach using numerical rating or graphical indicators to display the trust levels. Sullivan discloses using graphical indicators to display different trust levels (see Sullivan's col 6, lines 2-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize numerical rating or graphical indicators to display different trust levels in Renaud because it would have

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enabled users to more easily visualize different levels of trust associated with the web sites and/or data files.

**Conclusion:**

7. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU  
PRIMARY EXAMINER

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8/9/04